

UNITED STATES DISTRICT COURT

for the

Western District of New York

United States of America

v.

Lorenzo Snow

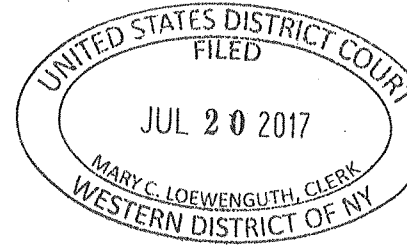
Date of Original Judgment: 9/2/16

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: 12-cr-155USM No: 21565-055Clarence Q. Johnson

Defendant's Attorney



ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

(Complete Parts I and II of Page 2 when motion is granted)

Applying Amendment 782 to the Defendant's Guideline calculation "does not have the effect of lowering the defendant's applicable guideline range because of the operation of another guideline." U.S.S.G. sec. 1B.10, Application Note 1(A). Specifically, because the Defendant is a career offender under Guideline section 4B1.1 (notwithstanding the downward variance imposed at sentencing), application of Amendment 782 would not lower the Defendant's base offense level below 30, which is mandated by Guideline section 4B1.1. See *United States v. Suarez*, 633 F. App'x 562 (2d Cir. 2016).

Except as otherwise provided, all provisions of the judgment dated 09/02/2016 shall remain in effect.

IT IS SO ORDERED.

Order Date: July 19, 2017

Judge's signature

Effective Date: _____

(if different from order date)

Richard J. Arcara
U.S. District Judge
Printed name and title